

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:03CV183

ANN ELIZABETH SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 OHIO CASUALTY INSURANCE)
 COMPANY,)
)
 Defendant.)
 _____)

DECLARATORY JUDGMENT

For the reasons stated in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendant has waived and is hereby estopped from enforcing the non-assignment clause and liable to the Plaintiff for coverage under the insurance contract for 237 West Main Street, Ninety Six, South Carolina.

Signed: May 23, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

